

**U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641**

## **DETERMINATION OF NEPA ADEQUACY (DNA)**

### **Dry Gulch Prescribed Fire DOI-BLM-CO-N05-2015-0021-DNA**

#### **Identifying Information**

**Project Title:** Dry Gulch Prescribed Fire

**Legal Description:** T 2 S, R 97W, sec. 29, 30, 31, 32  
T 3 S, R 97W, sec. 5, 6, 7, 8, 18  
T 3 S, R 98W, sec. 1, 12, 13, 24

**Applicant:** Bureau of Land Management

**Casefile/Project Number:** N/A

#### **Issues and Concerns**

The most southern portion of Unit A of the proposed burn units encompasses 10 acres of private land. The landowner has been made aware of the Proposed Action and is in favor of prescribed fire on his private land. Fire management staff is requiring a Memorandum of Understanding (MOU) with the private landowner to be in place before ignitions commence.

#### **Conformance with the Land Use Plan**

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plan:

**Land Use Plan:** White River Record of Decision and Approved Resource Management Plan (ROD/RMP)

**Date Approved:** July 1997

#### **Decision Language:**

“Sustain a landscape composed of plant community mosaics that represent successional stages and distribution patterns that are consistent with natural disturbance and regeneration regimes and compatible with the goals identified in Standard Three of the standards for Public Land Health...” (Page 2-10)

“Utilize prescribed fire, both natural and management ignited, to protect, maintain and enhance ecosystems, economic values, and multiple use resource management programs.” (Page 2-55)

“Prescribed fires will be monitored to ensure that objectives are achieved and the fire would not exceed the prescription.” (Page 2-56)

“Prescribed fire will be a tool to use to help mitigate fuels and hazards and to benefit other natural resource programs.” (Page 2-56)

## **Proposed Action**

### ***Project Components and General Schedule***

The Bureau of Land Management (BLM) proposes to treat 550 acres in Dry Gulch (Unit A – 265 acres BLM and 10 acres private) and Little Dry Gulch (Unit B – 275 acres BLM) utilizing prescribed fire (see Figure 1). The Southern Piceance Fuels Reduction Environmental Assessment (DOI-BLM-CO-N05-2014-0052) analyzed the utilization of prescribed fire and mechanical methods to treat vegetation in an effort to reduce the impacts and risks of an unplanned wildland fire to life, property, and other natural resources and to enhance ecosystems. The proposed treatment of the targeted areas will interrupt the continuity of heavy hazardous fuel concentrations in the sagebrush community, reduce the potential for large-scale wildfire events that would incur extensive suppression costs, improve response to wildfires, and provide for firefighter and public safety.

This project falls within the D5 Cathedral Bluffs/Roan Plateau fire management polygon which has management objectives to conduct prescribed burns or other vegetation treatments on mountain shrub and sagebrush communities to achieve age and structural diversity. On a landscape level fire will be introduced to an area where approximately one fire return interval has been missed and convert 550 acres from a current Fire Regime and Condition Class II to a Condition Class I. This project will achieve fire management objectives by reducing heavy accumulations of hazardous fuels and achieve a more mosaic mix of vegetative age classes on a landscape level.

The Proposed Action would be conducted during the spring (March through May), as soon as the understory vegetation in the drainage bottoms is dry enough to carry fire. By burning during the spring the north slopes will be too wet to consistently carry fire over the ridges and out of the targeted area and the south slopes are sparsely vegetated and will not carry fire. There will be no need to construct hand lines; a combination of chainsaws and wet lining will be utilized to check fire spread at the north and south ends of each target area.

### ***Design Features***

1. Prescribed fires will be conducted by qualified personnel and with a pre-approved prescribed fire plan.
2. Prescribed fires will be monitored to ensure that objectives are achieved and the fire would not exceed the prescription.

3. All prescribed fire will be conducted in accordance with the State of Colorado Smoke Management Plan and MOU, and will be regulated under Colorado Department of Health and Environment, Air Pollution Control Division.
4. To protect soil productivity, burning will be conducted under conditions when a light burn can accomplish stated objectives. Burning will occur when soil and duff are moist for fragile soils and soils with landslide potential in the effort to maximize moisture retention in duff layers.
5. Treatment areas would be monitored for noxious/invasive weed infestations for a minimum of three years post treatment. Any infestations identified will be suppressed/eradicated by the BLM as needed. Seed would be applied by BLM Fire and Range staff the first fall following the burn to areas where there is evidence that cheatgrass might out-compete native grasses.
6. Livestock grazing would be deferred from the burn areas for two or three growing seasons following the burn and the livestock grazing permittee (LOV Ranch) has agreed to this requirement. To keep livestock out of the Big Dry Gulch burn area would require installation of a temporary electric drift fence across the lower end of Big Dry Gulch with a gate across County Road 87. This drift fence would be installed and maintained by the permittee (LOV Ranch). LOV Ranch would provide the electric fence material and fence charger (see Figure 2).
7. All spills of fuels, lubricants, etc., will be reported to the WRFO Hazardous Materials Coordinator within 24 hours.
8. No fuel staging areas or refueling sites would be allowed within 200 feet of any water body.
9. ATV, UTV, and fire engine travel off existing trails and roads will be limited to the greatest extent practicable. When off-trail and off-road travel is needed, alternating travel routes will be used to avoid creating two-tracks and new trails.
10. Prior to the treatment, the BLM will coordinate with existing right-of-way holders, range permittees, operators, and mineral lessees.
11. Range improvement projects will be identified and measures taken to prevent damage or to replace the improvement in order to maintain its purpose and function.
12. Proposed treatments will take place outside of the migratory bird nesting season (May 15 – July 15). Treatments will be permitted from July 16 – May 14. An exception may be granted if it is determined that the proposed treatment can be conditioned so as not to interfere with habitat function or compromise migratory bird nesting functions.
13. The WRFO Ecologist will be consulted the growing season prior to any proposed treatments to determine if special status plant species (SSPS) surveys would be required. If surveys are required they must be completed according to the SSPS protocol prior to the beginning of any treatments. If listed, proposed, or candidate plants are found during the surveys, consultation with FWS may be required and/or special mitigation may be

applied to avoid impacting the species.

14. Site 5RB 5913 will be reevaluated, prior to the start of the prescribed burn, to determine if the site is Eligible. If found Eligible, mitigations (e.g., constructed fuel breaks, wet lines) will be taken to protect the site from adverse impacts as a result of the Proposed Action.
15. The BLM project lead is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
16. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
17. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
18. The BLM project lead is responsible for informing all persons who are associated with project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of operations under this authorization, the applicant must immediately contact the appropriate BLM representative.

## **Review of Existing NEPA Documents**

**Name of Document:** White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

**Date Approved:** June 1996

**Name of Document:** Southern Piceance Fuels Reduction Project (DOI-BLM-CO-N05-2014-0052-EA)

**Date Approved:** July 2014

## **NEPA Adequacy Criteria**

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document? If there are differences, can you explain why they are not substantial?

The Proposed Action is a feature of the selected alternative analyzed in the environmental assessment DOI-BLM-CO-N05-2014-0052-EA. It is within the same analysis area and there are no substantial differences.

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?

Two alternatives (Proposed Action and No Action Alternative) were analyzed in DOI-BLM-CO-N05-2014-0052-EA. No reasons were identified to analyze additional alternatives and these alternatives are considered to be adequate and valid for the Proposed Action.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?

Additional projects have been analyzed in the WRFO since environmental assessment DOI-BLM-CO-N05-2014-0052-EA was completed, but no known changes in circumstances or information have been found that would change any of the analysis in this EA, thus the original analysis is still valid. Please see comments below regarding cultural resources, Native American religious concerns, threatened and endangered wildlife, and threatened and endangered plants species.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

The direct, indirect, and cumulative effects that could result from implementing this Proposed Action would still remain similar to DOI-BLM-CO-N05-2014-0052-EA. The EA considered prescribed fire across 192,418 acres and the current proposal is for 550 acres.

5. Is the public involvement and interagency review associated with existing NEPA documents adequate for the current Proposed Action?

Yes, external scoping was conducted for the EA by posting the project on the WRFO's on-line National Environmental Policy Act (NEPA) register on 4/2/2014, as well as issuing a press release. Additionally individual letters were mailed on 4/2/2014 to all parties who are tied to any ownership or involvement within the EA boundary. This DNA was listed on the eplanning NEPA register on 12/23/2014.

## Interdisciplinary Review

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 12/16/2014. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional review or remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Brian Yaquinto	Archaeologist	Cultural Resources, Native American Religious Concerns	1/15/2015
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	1/6/2015
Matt Dupire	Ecologist	Special Status Plant Species	1/12/2015
Mary Taylor	Rangeland Management Specialist	Rangeland Management	12/19/2014
Kyle Frary	Fire Management Specialist	Fire Management, Project Lead	1/26/2015
Heather Sauls	Planning and Environmental Coordinator	NEPA Compliance	1/27/2015

**Cultural Resources:** The BLM administered portions of the Dry Gulch Prescribed Fire's Unit A and Unit B have been 100 percent inventoried at the Class III level as a result of numerous cultural resource surveys mainly from energy development projects in the area. Within the B Unit is one "needs data" site (5RB 5913) that could potentially be impacted by proposed undertaking, and because the site is listed as "needs data" the site needs to be treated as potentially Eligible for listing on the National Register of Historic Places. Site 5RB 5913 is classified as an open lithic scatter. Various studies have shown prescribed burns to contribute to the loss of scientific data associated with chipped stone artifacts. These losses are often greatest in areas that have not have had prior fuel management projects. Site 5RB 5913 will be reevaluated, prior to the start of the prescribed burn, to determine if the site is Eligible. If found Eligible, mitigations (e.g., constructed fuel breaks, wet lines) will be taken to protect the site from adverse impacts as a result of the Proposed Action.

**Native American Religious Concerns:** The Ute tribes claim this area as part of their ancestral homeland. At present, there are no areas of Native American concern within the proposed BLM fuel reduction area.

**Threatened and Endangered Wildlife Species:** There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. All wildlife issues were adequately addressed in the original environmental assessment (DOI-BLM-CO-N05-2014-0052-EA). All applicable mitigation measures have been carried forward and are listed above in Design Features.

**Threatened and Endangered Plant Species:** Suitable habitat for Dudley Bluffs Twinpod and Dudley Bluffs bladderpod has been identified immediately adjacent to both proposed units. Unit A has suitable habitat along the western edge of the unit in the NE ¼ of section 6 and the NW ¼ of section 5. Unit B has suitable habitat on the north edge of the unit in section 29. No occupied habitat is known to exist within or immediately adjacent to either burn unit. Surveys will need to be conducted prior to any burning as addressed in design feature 13.

### **Tribes, Individuals, Organizations, or Agencies Consulted**

On March 25<sup>th</sup>, 2014 representatives of the three Ute Tribes of Colorado and the Wind River Band of the Shoshone were contacted in regards to DOI-BLM-CO-N05-2014-0052EA.

### **Conclusion**

Based on the review documented above, I conclude that this proposal conforms to applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of the NEPA.

  
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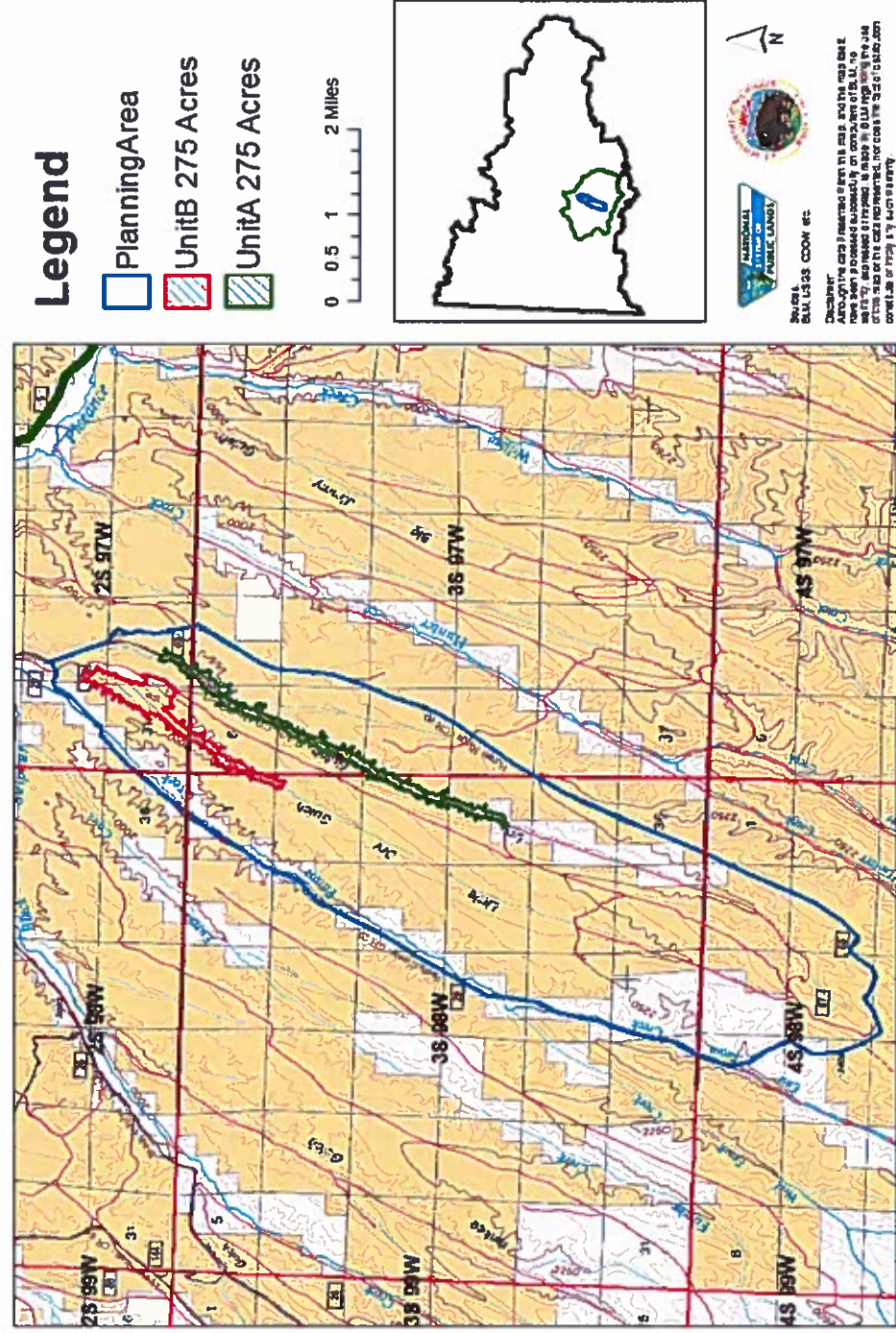
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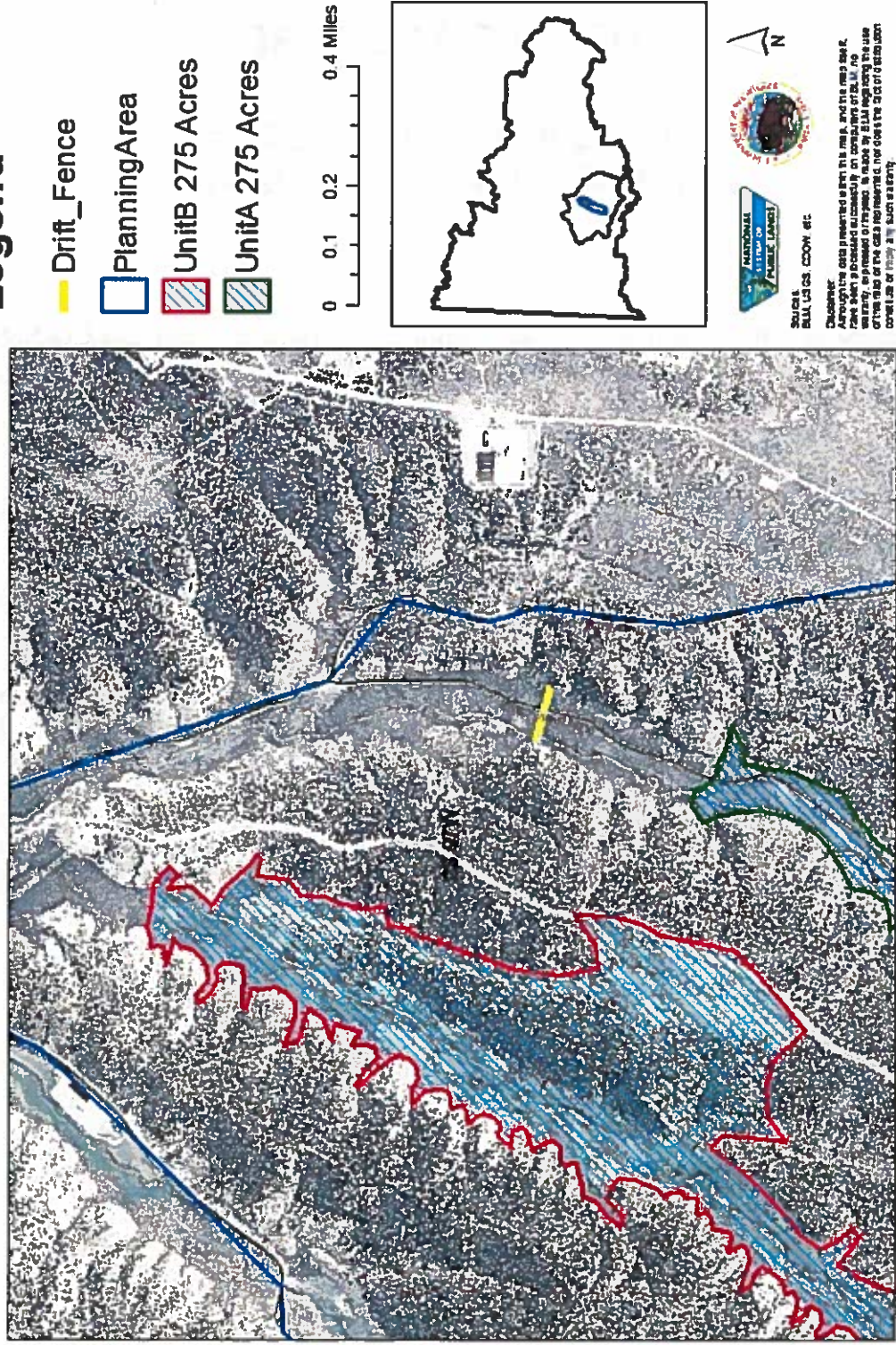
## Appendix A. Figures

### Dry Gulch Prescribed Fire (550 Acres) Figure 1





Dry Gulch RX Drift Fence Figure 2



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## **DECISION RECORD**

### **Dry Gulch Prescribed Fire DOI-BLM-CO-N05-2015-0021-DNA**

#### **Decision**

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N05-2015-0021-DNA, authorizing the use of prescribed fire on 550 acres in Dry and Little Dry Gulches in the spring (March through May).

#### ***Design Features***

1. Prescribed fires will be conducted by qualified personnel and with a pre-approved prescribed fire plan.
2. Prescribed fires will be monitored to ensure that objectives are achieved and the fire would not exceed the prescription.
3. All prescribed fire will be conducted in accordance with the State of Colorado Smoke Management Plan and MOU, and will be regulated under Colorado Department of Health and Environment, Air Pollution Control Division.
4. To protect soil productivity, burning will be conducted under conditions when a light burn can accomplish stated objectives. Burning will occur when soil and duff are moist for fragile soils and soils with landslide potential in the effort to maximize moisture retention in duff layers.
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permittee (LOV Ranch). LOV Ranch would provide the electric fence material and fence charger.

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## **Compliance with Laws & Conformance with the Land Use Plan**

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

## **Environmental Analysis and Finding of No Significant Impact**

The Proposed Action was analyzed in DOI-BLM-N05-2014-0052-EA and it was found to have no significant impacts, thus an EIS is not required.

## **Public Involvement**

This project was listed on the WRFO's on-line National Environmental Policy Act (NEPA) register (ePlanning) on 12/23/2014. A copy of the completed DNA will also be posted on the ePlanning NEPA register.

## **Rationale**

Analysis of the Proposed Action has concluded that there are no significant negative impacts and that it meets Colorado Standards for Public Land Health. Reducing fuel loads helps implement decisions from both the RMP and FMP regarding the management of wildfires.

## **Monitoring and Compliance**

On-going monitoring for invasive species will be conducted by the BLM White River Field Office staff after implementation of the project. Specific design features developed in this document will be followed.

## Administrative Remedies

Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

## Signature of Authorized Official

  
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Field Manager

  
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Date



